

NO. 24660

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellee,

vs.

DWAYNE KEOKI ELABAN, Defendant-Appellant.

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APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT  
(TR 8-11 of 9/19/01)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears that we do not have appellate jurisdiction over Defendant-Appellant Dwayne Keoki Elaban's (Appellant Elaban) appeal because the district court has not entered a final judgment in any of the cases from which he attempts to appeal. "Appeals from the district court, in criminal cases, are authorized by HRS § 641-12, which . . . provides in pertinent part that appeals upon the record shall be allowed from all final decisions and final judgments of district courts in all criminal matters." State v. Ontiveros, 82 Hawai'i 446, 449, 923 P.2d 388, 391 (1996) (internal quotation marks and brackets omitted). However, Appellant Elaban's appeal is interlocutory, and, "[a]lthough interlocutory appeals in criminal matters may be taken to the supreme court from the circuit courts, there is no analogous statute authorizing interlocutory appeals from the district courts in criminal matters." Id. (citations and footnote omitted). Therefore, HRS § 641-12 does

not authorize Appellant Elaban's premature appeal. Accordingly,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 15, 2002.